UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,429	07/20/2001	Robert T. Baum	Bell-32	2654

			EXAMINER
32127	7590	08/23/2005	PYZOCHA, MICHAEL J

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ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/910,429	BAUM, ROBERT T.
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24,26-28 and 30-38* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24,26-28 and 30-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24, 26-28, and 30-38 are pending.

2.   Amendment filed 08/04/2005 has been received and

considered.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 1-4, 6, 14-16, 33-37 are rejected under 35

U.S.C. 103(a) as being unpatentable over Wallace (U.S.

5,988,497), further in view of "Data Link Layer" (hereinafter

DLL) and further in view of Nguyen (US 5638448).

As per claims 1 and 33, Wallace discloses examining at

least a part of the unique bit string; comparing the at least a

part of the unique bit string examined with stored information;

and authenticating the party only if the at least a part of the

unique bit string examined matches the stored information (see

column 1 line 63 through column 2 line 29 where it is inherent

the unique bit string is maintained as the packet is

communicated within the network).

Wallace fails to disclose the bit string replacing part of

the layer 2 (data link layer) information.

However, DLL teaches the data link layer (see DLL page 1).

At the time of the invention it would have been obvious to

a person of ordinary skill in the art to use Wallace's

authentication method in the data link layer of DLL.

Motivation to do so would have been to allow for error

detection (see DLL page 1).

The modified Wallace and DLL system fails to disclose the

information being in the header.

However, Nguyen teaches authentication information in the

header (see column 10 lines 46-67).

At the time of the invention it would have been obvious to

a person of ordinary skill in the art to include Wallace's

authentication information in the layer 2 header.

Motivation to do so would have been to obtain a higher

level of security (see column 10 lines 46-67).

As per claims 2, 34 the modified Wallace, DLL and Nguyen

system discloses approving a transaction if the party was

authenticated (see Wallace column 2 lines 16-29).

As per claim 3, the modified Wallace, DLL and Nguyen system disclose the at least a part of the unique bit string examined depends on a type of the transaction (see Wallace column 2 lines 5-15).

As per claims 4, 6, the modified Wallace, DLL and Nguyen system disclose the stored information compared with the at least a part of the unique bit string examined depends on a type of the transaction (see Wallace column 2 lines 5-15).

As per claims 14-15, the modified Wallace, DLL and Nguyen system discloses the unique bit string is provisioned and controlled by a network service provider (see Wallace column 2 lines 5-29).

As per claim 16, the modified Wallace, DLL and Nguyen system discloses the act of authentication does not require the transmission of any authentication information from the party (see Wallace column 2 lines 5-29).

As per claims 35-36 the modified Wallace, DLL and Nguyen system discloses an output for forwarding an authentication and authorization response to the transaction facility (see Wallace column 1 lines 52-62).

As per claim 37, the modified Wallace, DLL and Nguyen system discloses the layer 2 header information is one of data

link layer header and a network access layer header (see Nguyen

column 10 lines 46-67 as applied to DLL).

5.   Claim 5, 7-13, 17-24, 26, 28-32, and 38 are rejected under

35 U.S.C. 103(a) as being unpatentable over the modified

Wallace, DLL and Nguyen system as applied to claims 1, 24, 28

above, and further in view of Mori et al (U.S. 5,880,446).

As per claims 24, 26, 28, and 30, the modified Wallace, DLL

and Nguyen system discloses examining at least a part of the

unique bit string; comparing the at least a part of the unique

bit string examined with stored information; and authenticating

the party only if the at least a part of the unique bit string

examined matches the stored information (see column 1 line 63

through column 2 line 29 where it is inherent the unique bit

string is maintained as the packet is communicated within the

network).

The modified Wallace, DLL and Nguyen system fails to

disclose the unique bit string uniquely identifies the party and

an ingress location of the network.

However, Mori et al teaches such information (see column 14

lines 19-40).

At the time of the invention it would have been obvious to

a person of ordinary skill in the art to use Mori et al's

information as part of the unique bit string of the modified
Wallace and DLL system.

Motivation to do so would have been to include information
about the buyer in the transaction (see column 14 lines 19-40).

As per claim 5, the modified Wallace, DLL, Nguyen and Mori
et al system discloses the type of transaction is selected from
a group of transaction types consisting of: transactions greater
than a predetermined amount; transactions less than a
predetermined amount; purchases delivered to a credit card
billing device; and purchases delivered to an address other than
a credit card billing address (see Mori et al column 14 lines
19-40).

As per claims 7-13 the modified Wallace, DLL, Nguyen and
Mori et al. system discloses the at least a part of the unique
bit string examined identifies a location at which packets from
the party to the transaction entered the network; a group to
which an individual, who is a party to the transaction, belongs;
a customer that is a party to the transaction; a customer
identification; an individual user identification; a network
ingress location (see Mori et al column 14 lines 19-40).

As per claim 17, the modified Wallace, DLL, Nguyen and Mori
et al system discloses tracking a network ingress location at
which a packet associated with a transaction originated, wherein

packets entering the network have at least a part of a layer 2

information replaced with a unique bit string, the method

comprising: examining at least a part of the unique bit string;

and determining the network ingress location from the at least a

part of the unique bit string (see Wallace and DLL as applied to

claim 1 where the transaction data now contains the location

data of Mori et al column 14 lines 19-40).

As per claims 18-21 the modified Wallace, DLL, Nguyen and

Mori et al system discloses the at least a part of the unique

bit string examined identifies an individual who is a party to

the transaction; a group to which an individual, who is a party

to the transaction, belongs; a customer that is a party to the

transaction; a customer identification; an individual user

identification; a network ingress location (see Mori et al

column 14 lines 19-40).

As per claims 22-23, the modified Wallace, DLL, Nguyen and

Mori et al system discloses the unique bit string is provisioned

and controlled by a network service provider (see Wallace column

2 lines 5-29).

As per claims 27, 31 the modified Wallace, DLL, Nguyen and

Mori et al system discloses the unique bit string identifies a

logical port at which the packet entered the network (see Mori

et al column 14 lines 19-40).

As per claim 32, the modified Wallace, DLL, Nguyen and Mori et al system discloses no information in addition to the unique bit string is needed for authentication the party to the transaction (see Wallace column 2 lines 5-29).

As per claim 38, the modified Wallace, DLL, Nguyen and Mori et al system discloses the layer 2 header information is a MAC header (see Nguyen column 10 lines 46-67 as applied to DLL).

Double Patenting

6. The double patenting rejections have been withdrawn based on the terminal disclaimer filed 08/04/2005.

Response to Arguments

7. Applicant's arguments with respect to claims1-24, 26-28, and 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Michael
Pyzocha whose telephone number is (571) 272-3875. The examiner
can normally be reached on 7:00am - 4:30pm first Fridays of the
bi-week off.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Emmanuel Moise can be
reached on (571) 272-3865. The fax phone number for the
organization where this application or proceeding is assigned is
703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER